

# **TOWN PLANNING BOARD**

**TPB Paper No. 10091  
for Consideration by the  
Town Planning Board on 1.4.2016**

**Proposed Revisions to the Town Planning Board Guidelines No. 17 for  
Designation of “Comprehensive Development Area” (“CDA”) Zones and  
Monitoring the Progress of “CDA” Developments**

**PROPOSED REVISIONS TO THE TOWN PLANNING BOARD GUIDELINES NO. 17  
FOR DESIGNATION OF “COMPREHENSIVE DEVELOPMENT AREA” (“CDA”)  
ZONES AND MONITORING THE PROGRESS OF “CDA” DEVELOPMENTS**

**1. Purpose**

The purpose of the paper is to seek Members’ agreement to the proposed revisions to the Town Planning Board (TPB) Guidelines No. 17 for designation of “CDA” zones and monitoring the progress of “CDA” developments (TPB PG-No. 17).

**2. Background**

- 2.1 TPB PG-No. 17 was first promulgated in May 1999 to set out the criteria for designating “CDA” zones and the mechanism for monitoring the implementation on “CDA” zones. As set out in the said Guidelines, the first review on each “CDA” site would be conducted at the end of the third year since its designation and subsequent reviews would be made on an annual basis to monitor the progress of “CDA” developments.
- 2.2 On 22.5.2015, the Planning Department briefed the two Planning Committees, namely Metro Planning Committee (MPC) and Rural and New Town Planning Committee (RNTPC), on the results of the review of the “CDA” sites in the Metro Area and the New Territories for the year 2014/2015 respectively. During the meetings, Members noted that the progress of implementation of “CDA” developments in a year’s time was not significant and considered that the review of “CDA” sites could be carried out biennially instead of annually in order to streamline the workflow and assign higher priority to other more imminent planning work (paragraphs 11 and 6 of extracts of MPC and RNTPC minutes at **Annexes Ia** and **IB** respectively refers). Notwithstanding, the District Planning Officers would continue to closely monitor the progress of “CDA” developments in their daily work.

### **3. Proposed Revisions to TPB PG-No. 17**

To take forward the Committees' decision as set out in paragraph 2.2 above, paragraphs 5.1 and 5.3b of the TPB PG-No. 17 are proposed to be revised accordingly. Opportunity is also taken to make other minor refinements to the Guidelines to reflect the latest circumstances. The proposed revisions are highlighted in the draft TPB PG-No. 17A at **Annex II**.

### **4. Consultation**

- 4.1 Since the proposed revisions are technical in nature, consultation with government departments is considered not necessary.
- 4.2 On 14.3.2016, the Planning Sub-committee of the Land Development Advisory Committee was consulted and members generally supported the proposed revisions. During the discussion, members also raised concerns on some issues affecting the implementation of "CDA" developments, including difficulty in land assembly; long lead time for compliance with various approval conditions; and delay caused by the Government's on-going planning studies in the New Territories. It was explained at the meeting that the applicant was encouraged to liaise with the Planning Department and other concerned departments for any matters in relation to the compliance of approval conditions and other outstanding issues.

### **5. Decision Sought**

Members are invited to :

- (a) agree to the proposed revisions to TPB PG-No. 17; and
- (b) endorse the draft TPB PG-No. 17A at **Annex II** for promulgation to the public for information.

**Attachment**

Annex Ia	Extract of minutes of the 534 <sup>th</sup> MPC meeting held on 22.5.2015
Annex Ib	Extract of minutes of the 533 <sup>rd</sup> RNTPC meeting held on 22.5.2015
Annex II	Draft revised TPB Guidelines for Designation of “Comprehensive Development Area” (“CDA”) Zones and Monitoring the Progress of “CDA” Developments (TPB PG-No. 17A)

**PLANNING DEPARTMENT**

**APRIL 2016**

Extract of minutes of the 534th MPC meeting

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9. The Vice-chairman said that it might not be cost-effective to rezone a “CDA” site which had been completed. For those “CDA” sites which had approved MLP but encountered difficulties in implementing the development, consideration should be given to reviewing the mechanism to facilitate the “CDA” development. For those “CDA” sites with no approved MLP and had been designated for a long time, say for over 10 years, some guidelines should be formulated to review the effectiveness of the “CDA” zoning in facilitating developments.

10. The Chairman said that for sites which had been designated with “CDA” zonings for a long time without progress in implementation, it was necessary to review critically each case and to find out solutions to facilitate the implementation. Whilst noting that each DPO was closely monitoring the progress of “CDA” developments in the daily work, he asked whether there was any significant difference in the review results of this year as compared with that of last year. In response, Ms Paulina Y.L. Kwan, STP/M&UR, said that there was not much difference in the general pattern of the review results in a year’s time.

11. Given that the progress of implementation of “CDA” developments in a year’s time was not significant, the Chairman suggested that the “CDA” sites review could be carried out biennially instead of annually in order to streamline the workflow and assign higher priority to other more imminent planning work, such as zoning amendments for housing sites. Notwithstanding this, DPO would continue to closely monitor the progress of “CDA” development in their daily work. He would also raise the same to the Rural and New Town Planning Committee for its consideration in the afternoon session. Members noted that the proposed change would necessitate a revision of the relevant Town Planning Board Guideline, and requested the Secretariat to take appropriate follow-up action.

Deliberation Session

12. After deliberation, the Committee decided to :

- (a) note the findings of the review of the sites designated “CDA” on statutory plans in the Metro Area;

Extract of minutes of the 533<sup>rd</sup> RNTPC meeting

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5. In response to the Chairman's question, Mr Ivan M.K. Chung, DPO/SKIs said that rezoning of the "CDA" site at Tung Chung Town Centre would provide flexibility for subsequent modification of uses such as religion institution and school uses within the non-domestic portion without the need for planning permission. However, if the site was not rezoned, it would not have any impact on the residential use of the completed development. In response to the Chairman's question, Miss Kwan said that the annual progress of the "CDA" sites were in general not significant as the development took time.

6. In view of the progress of developments of "CDA" sites did not change very much annually, the Committee considered that the "CDA" sites review could be carried out biennially instead of annually in order to save the resource and to give priority to other planning work, in particular the zoning amendments for housing sites. The Committee requested the Secretariat to review the relevant Town Planning Board Guidelines to effect the proposed change.

7. After deliberation, the Committee decided to :

- (a) note the findings of the review of the sites designated "CDA" on statutory plans in the New Territories;
- (b) agree to the retention of the "CDA" designation for the sites mentioned in paragraphs 4.2.1 and 4.3.1 and detailed at Appendices I and III of the Paper;
- (c) note the agreement of the Committee to rezone the sites mentioned in paragraphs 4.2.3 and 4.3.2 and detailed at Appendices II and IV of the Paper;
- (d) agree in-principle to the proposed rezoning of the "CDA" site in paragraph 4.3.3 and detailed at Appendix V of the Paper; and
- (e) note the site with potential for rezoning in paragraph 4.3.4 and detailed at Appendix VI of the Paper.

TPB PG-NO. 17A

**TOWN PLANNING BOARD GUIDELINES FOR  
DESIGNATION OF “COMPREHENSIVE DEVELOPMENT AREA” (“CDA”) ZONES  
AND MONITORING THE PROGRESS OF “CDA” DEVELOPMENTS**

(Important Note :

The Guidelines are intended for general reference only.

Any enquiry on this pamphlet should be directed to the Secretariat of the Town Planning Board (15th Floor, North Point Government Offices (NPGO), 333 Java Road, North Point, Hong Kong – Tel. No. 2231 4810 or 2231 4835) or the Planning Enquiry Counters of the Planning Department (Hotline : 2231 5000) (17th Floor, NPGO and 14th Floor, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin) ~~Planning Information and Technical Administration Unit of the Planning Department, 17th Floor, North Point Government Offices, 333 Java Road, North Point, Hong Kong – Tel No. 2231 5000.~~

The Guidelines are subject to revision without prior notice.)

**1. Introduction**

- 1.1 The “Comprehensive Development Area” (“CDA”) zoning (or the previous “Other Specified Uses” annotated “Comprehensive Development/Redevelopment Area” zoning) was first introduced in Outline Zoning Plans (OZPs) in 1976 with the key objective to facilitate urban restructuring and to phase out incompatible development and non-conforming uses. The Town Planning Board (the Board) is empowered to designate an area as “CDA” under section 4(1)(f) of the Town Planning Ordinance (the Ordinance).
- 1.2 In general, “CDAs” are designated in the interest of the wider public although individual property owner’s right would be taken into consideration. They are designated after careful consideration of such factors as the planning intention for the area, land status, ownership and other development constraints, including the likely prospect for implementation. They will only be designated where there are no better alternative zoning mechanisms to achieve the desired planning objectives specified in Section 3.1 below.
- 1.3 To avoid planning blight caused by the withholding of piecemeal individual

developments within a “CDA” zone, the Board recognizes that there is a need for close monitoring of the progress of “CDA” development. A proactive approach is taken to facilitate development and to keep track on the progress of implementation of “CDA” sites.

## **2. Scope and Application**

This set of Guidelines is adopted as reference for the designation of “CDAs” on statutory plans, as initiated by the Government, quasi-Government bodies as well as private development agencies, and for the subsequent monitoring of the progress of “CDA” developments.

## **3. Planning Intention**

### **3.1 “CDAs” are intended to achieve such objectives as to :**

- a. facilitate urban renewal and restructuring of land uses in the old urban areas;
- b. provide incentives for the restructuring of obsolete areas, including old industrial areas, and the phasing out of non-conforming uses, such as open storage and container back-up uses in the rural areas;
- c. provide opportunities for site amalgamation and restructuring of road patterns and ensure integration of various land-uses and infrastructure development, thereby optimizing the development potential of the site;
- d. provide a means for achieving co-ordinated development in areas subject to traffic, environmental and infrastructure capacity constraints, and in areas with interface problems of incompatible land-uses;
- e. ensure adequate as well as timely provision of Government, institution or community (GIC), transport and public transport facilities and open space for the development and where possible, to address the shortfall in the district; and
- f. ensure appropriate control on the overall scale and design of development in areas of high landscape and amenity values and in locations with special



design or historical significance.

#### Land Status/Ownership/Tenure

- 3.2 Unallocated Government sites subject to modern land grant conditions, including those intended for public housing development to be implemented by the Housing Authority, would only be designated as "CDA" in special circumstances, where control on the design and layout of development is necessary because of special site constraints or the special character of the area.
- 3.3 Sites covered by an **Urban Renewal Authority (URA)** ~~Land Development Corporation (LDC)~~-Development Scheme or an urban improvement scheme of the Hong Kong Housing Society (**HKHS**) are normally designated "CDAs" to, inter alia, prevent piecemeal development/redevelopment which would pre-empt optimum comprehensive redevelopment and urban restructuring.
- 3.4 Since fragmented land ownership will affect the prospect of implementation of "CDAs", CDA sites involving private land, other than those of ~~the URALDC~~ or ~~HKHS~~~~the Housing Society~~, are normally expected to have a major portion of the private land under single ownership at the time of designation but each site will be considered on its individual merits. Since the designation may affect third party development/redevelopment right, the proponent would be required to indicate the land under his ownership and that he has plans to acquire the remaining portion for comprehensive development.
- 3.5 In the designation of "CDA" zoning land ownership should only be one of the considerations weighed against many other factors, such as, the need to facilitate urban renewal and restructuring of land uses in the old urban areas and to provide incentives for phasing out of incompatible and non-conforming uses. Particularly, in the case of the ~~URALDC~~ development schemes and the urban improvement schemes of ~~HKHS~~~~the Hong Kong Housing Society~~, where the mechanisms for land acquisition are available, land ownership will not be an overriding factor.

#### Prospect for Implementation

- 3.6 There should be an indication on the likely prospect for implementation before a site is designated as "CDA". Information on land status and provision of supporting infrastructure should be provided, and preliminary assessments should be carried out to demonstrate the technical feasibility of the proposed development. If the designation is proposed by a development agency, the likely

development programme should be indicated in the proposal for consideration by the Board.

#### Size

- 3.7 Obviously, the larger the site, the better the opportunity for incorporating public facilities in the development, restructuring of land uses including changes to road patterns, and optimization of development potential. There is, however, no hard and fast rule to determine whether a site is sizable enough to warrant comprehensive development or redevelopment. Each site should be considered on its individual merits taking into account the planning intention for the area and the special characteristics of the site.

### **4. Development Parameters**

- 4.1 In determining the boundary and development intensity of a “CDA” site, the existing land use pattern, the latest development requirements and the infrastructural capacity constraints in the area should be taken into account. Opportunities should be taken to incorporate, where appropriate, GIC facilities, open space, road widening, public transport and parking facilities and the provision of pedestrian linkages in the development.
- 4.2 Appropriate development mix and intensities would be specified in the Notes of the ~~Outline Zoning Plan~~ OZPs if the site is subject to various constraints, such as traffic and infrastructure capacities and environmental constraints. A Planning Brief would usually be prepared by the Planning Department to guide the development of the “CDA” site. Detailed planning requirements, including the provision of appropriate traffic and environmental mitigation measures, GIC, transport and public transport facilities and open space would be specified in the Planning Brief.

### **5. Mechanism for Monitoring**

- 5.1 Frequent reviews of “CDA” zones would be required in order to achieve a close monitoring of the progress of development. The first review of each “CDA” site would be conducted at the end of the third year after its designation and subsequent reviews would be made on an ~~annual~~ biennial basis.

“CDA” with no Approved Master Layout Plan (MLP)/Implementation Agency

5.2 At the end of the third year after the designation, priority would be given to review those “CDA” sites with no approved Master Layout Plan (MLPs) or for which no implementation agency can be identified. The following possible actions would be considered by the Board after the review to respond to changing circumstances :

- a. to rezone to other uses the “CDA” sites which have significant implementation difficulties and slim chances of successful implementation;
- b. to revise the planning and development parameters of the “CDA” sites, where appropriate, to improve the incentives for redevelopment and hence the chance for implementation;
- c. to revise the zoning boundary in line with updated information on land status or ownership, or to subdivide the “CDA” into smaller “CDA” sites for development in phases to facilitate early implementation, where justified; and
- d. to revise and update the planning briefs for “CDA” sites to reflect the changing requirements and circumstances.

“CDA” with Approved MLP

5.3 In order to keep track on the progress of implementation, the following monitoring mechanism is adopted by the Board :

- a. should there be disagreements with the developer/agent on issues related to compliance with approval conditions, the relevant Government departments will be requested to report the issues to the Board; and
- b. a proforma would be issued to and completed by the developer/agent on an ~~annual~~ **a biennial** basis to keep track on the progress of implementation.

Allowance for Phased Development

5.4 For “CDA” sites which are not under single ownership, if the developer can demonstrate with evidence that due effort has been made to acquire the remaining portion of the site for development but no agreement can be reached with the landowner(s), allowance for phased development could be considered. In deriving the phasing of the development, it should be demonstrated that :

- a. the planning intention of the "CDA" zone will not be undermined;
- b. the comprehensiveness of the proposed development will not be adversely affected as a result of the revised phasing;
- c. the resultant development should be self-contained in terms of layout design and provision of open space and appropriate GIC, transport and other infrastructure facilities; and
- d. the development potential of the unacquired lots within the "CDA" zone should not be absorbed in the early phases of the development, access to these lots should be retained, and the individual lot owners' landed interest should not be adversely affected.

## 6. Re-designating "CDA" sSites

- 6.1 In some cases, there may be merits to rezone "CDA" sites upon completion of development to other uses such as "Residential (Group A)", or "Commercial", ~~"Commercial/Residential"~~, to provide flexibility in subsequent modification of uses within the development without the need for submission of a revised MLP. Through regular review of "CDA" sites, the Board would, taking the specific circumstances pertaining to each "CDA" site into account, give consideration to the case of re-designating completed "CDA" developments to other land use zoning.
- 6.2 In general, the consideration for re-designation would include the following aspects :
  - a. the planning intention of maintaining comprehensive control on the overall development of the area should not be undermined. For instance, if a "CDA" site is subject to environmental constraints and the layout of the development has to allow for the provision of a buffer against the environmental nuisances, the removal of the buffer will not be desirable;
  - b. in the case of mixed developments especially for a variety of uses sharing a common podium, a re-designation of different parts of the "CDA" site to various discrete land-use zonings may only be possible provided that the

planning intention of each zone could be clearly reflected; and

- c. if part of the site is excluded from the development zone and rezoned to, say “Open Space” or “Government, Institution or Community”, it should be ensured that the resultant development intensities of the site will not be higher than those permitted under the Notes of the OZP or in the Building (Planning) Regulations.

6.3 In considering the re-designation of “CDA” sites, local views should also be taken into account in order to avoid, as far as possible, unnecessary misunderstanding of the planning intention.

6.4 For “CDA” sites which cannot be re-designated, other measures are available to streamline the procedures for modification of uses within the completed development. For instance, some minor amendments to the approved MLP **submitted under section 16A(2) of the Ordinance can be processed-considered** by the Director of Planning, **the Deputy Director of Planning and the Assistant Directors of Planning of the Planning Department** ~~or the respective District Planning Officer~~ under delegated authority of the Board on a fast-track basis. Reference should be made to the relevant Town Planning Board Guidelines.

**Town Planning Board**

**May 1999xx 2016**